

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 2824**

65th Legislature  
2018 Regular Session

Passed by the House March 5, 2018  
Yeas 98 Nays 0

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**Speaker of the House of Representatives**

Passed by the Senate March 1, 2018  
Yeas 49 Nays 0

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2824** as passed by House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 2824**

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AS AMENDED BY THE SENATE

Passed Legislature - 2018 Regular Session

**State of Washington                      65th Legislature                      2018 Regular Session**

**By** House Education (originally sponsored by Representatives Harris, Dolan, and Muri; by request of State Board of Education and Superintendent of Public Instruction)

READ FIRST TIME 02/01/18.

1            AN ACT Relating to the exchange and alignment of specific powers,  
2 duties, and functions of the superintendent of public instruction and  
3 the state board of education; amending RCW 28A.310.020, 28A.195.010,  
4 28A.195.030, 28A.195.060, 28A.230.010, 28A.300.236, 28A.700.070,  
5 28A.655.070, 28A.305.140, 28A.305.140, 28A.300.545, 28A.655.180,  
6 28A.655.180, and 28A.150.250; reenacting and amending RCW  
7 28A.230.097; adding a new section to chapter 28A.150 RCW; adding a  
8 new section to chapter 28A.230 RCW; adding new sections to chapter  
9 28A.300 RCW; adding a new section to chapter 28A.305 RCW; creating a  
10 new section; recodifying RCW 28A.305.140; repealing RCW 28A.305.141  
11 and 28A.305.142; providing effective dates; and providing an  
12 expiration date.

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

14            NEW SECTION.        **Sec. 1.**        The legislature finds that specific  
15 powers, duties, and functions of the state board of education and the  
16 superintendent of public instruction should be realigned to better  
17 serve students and families, educators, school districts, and schools  
18 both public and private.

19            The legislature recognizes that the state board of education and  
20 the superintendent of public instruction, with the support of the  
21 governor's office, convened a roles and responsibilities task force

1 to review their authorities and made recommendations to clarify and  
2 realign responsibilities among the agencies.

3 The legislature, therefore, intends to clarify, and in some cases  
4 shift, responsibilities related to private schools, educational  
5 service district boundaries, career and technical education  
6 equivalencies, adoption of learning standards, waiver of school  
7 district requirements, and compliance with basic education  
8 requirements.

9 **PART I**

10 **EDUCATIONAL SERVICE DISTRICT BOUNDARIES**

11 **Sec. 101.** RCW 28A.310.020 and 1994 sp.s. c 6 s 513 are each  
12 amended to read as follows:

13 The (~~state board of education~~) superintendent of public  
14 instruction upon (~~its~~) his or her own initiative, or upon petition  
15 of any educational service district board, or upon petition of at  
16 least half of the district superintendents within an educational  
17 service district, or upon request of the (~~superintendent of public~~  
18 ~~instruction~~) state board of education, may make changes in the  
19 number and boundaries of the educational service districts, including  
20 an equitable adjustment and transfer of any and all property, assets,  
21 and liabilities among the educational service districts whose  
22 boundaries and duties and responsibilities are increased and/or  
23 decreased by such changes, consistent with the purposes of RCW  
24 28A.310.010: PROVIDED, That no reduction in the number of educational  
25 service districts will take effect after June 30, 1995, without a  
26 majority approval vote by the affected school directors voting in  
27 such election by mail ballot. Prior to making any such changes, the  
28 (~~state board~~) superintendent of public instruction, or his or her  
29 designee, shall hold at least one public hearing on such proposed  
30 action and shall consider any recommendations on such proposed  
31 action.

32 The (~~state board~~) superintendent of public instruction in  
33 making any change in boundaries shall give consideration to, but not  
34 be limited by, the following factors: Size, population, topography,  
35 and climate of the proposed district.

36 The superintendent of public instruction shall furnish personnel,  
37 material, supplies, and information necessary to enable educational

1 service district boards and superintendents to consider the proposed  
2 changes.

3 **PART II**  
4 **PRIVATE SCHOOLS**

5 **Sec. 201.** RCW 28A.195.010 and 2009 c 548 s 303 are each amended  
6 to read as follows:

7 The legislature hereby recognizes that private schools should be  
8 subject only to those minimum state controls necessary to insure the  
9 health and safety of all the students in the state and to insure a  
10 sufficient basic education to meet usual graduation requirements. The  
11 state, any agency or official thereof, shall not restrict or dictate  
12 any specific educational or other programs for private schools except  
13 as hereinafter in this section provided.

14 ~~((Principals))~~ The administrative or executive authority of  
15 private schools or ~~((superintendents of))~~ private school districts  
16 shall file each year with the state ~~((superintendent of public~~  
17 ~~instruction))~~ board of education a statement certifying that the  
18 minimum requirements hereinafter set forth are being met, noting any  
19 deviations. The state board of education may request clarification or  
20 additional information. After review of the statement, the state  
21 ~~((superintendent))~~ board of education will notify schools or school  
22 districts of ~~((those))~~ any concerns, deficiencies, and deviations  
23 which must be corrected. ~~((In case of major))~~ If there are any  
24 unresolved concerns, deficiencies, or deviations, the school or  
25 school district may request ~~((and))~~ or the state board of education  
26 on its own initiative may grant provisional status for one year in  
27 order that the school or school district may take action to meet the  
28 requirements. The state board of education shall not require private  
29 school students to meet the student learning goals, obtain a  
30 certificate of academic achievement, or a certificate of individual  
31 achievement to graduate from high school, to master the essential  
32 academic learning requirements, or to be assessed pursuant to RCW  
33 28A.655.061. However, private schools may choose, on a voluntary  
34 basis, to have their students master these essential academic  
35 learning requirements, take the assessments, and obtain a certificate  
36 of academic achievement or a certificate of individual achievement.  
37 Minimum requirements shall be as follows:

1 (1) The minimum school year for instructional purposes shall  
2 consist of no less than one hundred eighty school days or the  
3 equivalent in annual minimum instructional hour offerings, with a  
4 school-wide annual average total instructional hour offering of one  
5 thousand hours for students enrolled in grades one through twelve,  
6 and at least four hundred fifty hours for students enrolled in  
7 kindergarten.

8 (2) The school day shall be the same as defined in RCW  
9 28A.150.203.

10 (3) All classroom teachers shall hold appropriate Washington  
11 state certification except as follows:

12 (a) Teachers for religious courses or courses for which no  
13 counterpart exists in public schools shall not be required to obtain  
14 a state certificate to teach those courses.

15 (b) In exceptional cases, people of unusual competence but  
16 without certification may teach students so long as a certified  
17 person exercises general supervision. Annual written statements shall  
18 be submitted to the (~~office of the superintendent of public~~  
19 ~~instruction~~) state board of education reporting and explaining such  
20 circumstances.

21 (4) An approved private school may operate an extension program  
22 for parents, guardians, or persons having legal custody of a child to  
23 teach children in their custody. The extension program shall require  
24 at a minimum that:

25 (a) The parent, guardian, or custodian be under the supervision  
26 of an employee of the approved private school who is (~~certified~~)  
27 certificated under chapter 28A.410 RCW;

28 (b) The planning by the (~~certified~~) certificated person and the  
29 parent, guardian, or person having legal custody include objectives  
30 consistent with this subsection and subsections (1), (2), (5), (6),  
31 and (7) of this section;

32 (c) The (~~certified~~) certificated person spend a minimum average  
33 each month of one contact hour per week with each student under his  
34 or her supervision who is enrolled in the approved private school  
35 extension program;

36 (d) Each student's progress be evaluated by the (~~certified~~)  
37 certificated person; and

38 (e) The (~~certified~~) certificated employee shall not supervise  
39 more than thirty students enrolled in the approved private school's  
40 extension program.

1 (5) Appropriate measures shall be taken to safeguard all  
2 permanent records against loss or damage.

3 (6) The physical facilities of the school or district shall be  
4 adequate to meet the program offered by the school or district:  
5 PROVIDED, That each school building shall meet reasonable health and  
6 fire safety requirements. A residential dwelling of the parent,  
7 guardian, or custodian shall be deemed to be an adequate physical  
8 facility when a parent, guardian, or person having legal custody is  
9 instructing his or her child under subsection (4) of this section.

10 (7) Private school curriculum shall include instruction of the  
11 basic skills of occupational education, science, mathematics,  
12 language, social studies, history, health, reading, writing,  
13 spelling, and the development of appreciation of art and music, all  
14 in sufficient units for meeting state board of education graduation  
15 requirements.

16 (8) Each school or school district shall be required to maintain  
17 up-to-date policy statements related to the administration and  
18 operation of the school or school district.

19 All decisions of policy, philosophy, selection of books, teaching  
20 material, curriculum, except as in subsection (7) of this section  
21 provided, school rules and administration, or other matters not  
22 specifically referred to in this section, shall be the responsibility  
23 of the administration and administrators of the particular private  
24 school involved.

25 **Sec. 202.** RCW 28A.195.030 and 1974 ex.s. c 92 s 4 are each  
26 amended to read as follows:

27 Any private school may appeal the actions of the ((state  
28 ~~superintendent of public instruction or~~)) state board of education as  
29 provided in chapter 34.05 RCW.

30 **Sec. 203.** RCW 28A.195.060 and 1975 1st ex.s. c 275 s 70 are each  
31 amended to read as follows:

32 ((~~It shall be the duty of~~)) The administrative or executive  
33 authority of every private school in this state ((~~to~~)) must report to  
34 the ((~~educational service district~~)) superintendent of public  
35 instruction on or before the thirtieth day of June in each year, on  
36 ((a)) forms to be furnished, such information as may be required by  
37 the superintendent of public instruction, to make complete the

1 records of education work pertaining to all children residing within  
2 the state.

3 **PART III**  
4 **CTE COURSE EQUIVALENCY**

5 **Sec. 301.** RCW 28A.230.097 and 2014 c 217 s 204 and 2014 c 217 s  
6 102 are each reenacted and amended to read as follows:

7 (1) Each high school or school district board of directors shall  
8 adopt course equivalencies for career and technical high school  
9 courses offered to students in high schools and skill centers. A  
10 career and technical course equivalency may be for whole or partial  
11 credit. Each school district board of directors shall develop a  
12 course equivalency approval procedure. Boards of directors must  
13 approve AP computer science courses as equivalent to high school  
14 mathematics or science, and must denote on a student's transcript  
15 that AP computer science qualifies as a math-based quantitative  
16 course for students who take the course in their senior year. In  
17 order for a board to approve AP computer science as equivalent to  
18 high school mathematics, the student must be concurrently enrolled in  
19 or have successfully completed algebra II. Beginning no later than  
20 the 2015-16 school year, a school district board of directors must,  
21 at a minimum, grant academic course equivalency in mathematics or  
22 science for a high school career and technical course from the list  
23 of courses approved by the ~~((state board of education))~~  
24 superintendent of public instruction under RCW 28A.700.070, but is  
25 not limited to the courses on the list. If the list of courses is  
26 revised after the 2015-16 school year, the school district board of  
27 directors must grant academic course equivalency based on the revised  
28 list beginning with the school year immediately following the  
29 revision.

30 (2) Career and technical courses determined to be equivalent to  
31 academic core courses, in full or in part, by the high school or  
32 school district shall be accepted as meeting core requirements,  
33 including graduation requirements, if the courses are recorded on the  
34 student's transcript using the equivalent academic high school  
35 department designation and title. Full or partial credit shall be  
36 recorded as appropriate. The high school or school district shall  
37 also issue and keep record of course completion certificates that  
38 demonstrate that the career and technical courses were successfully

1 completed as needed for industry certification, college credit, or  
2 preapprenticeship, as applicable. The certificate shall be part of  
3 the student's high school and beyond plan. The office of the  
4 superintendent of public instruction shall develop and make available  
5 electronic samples of certificates of course completion.

6 **Sec. 302.** RCW 28A.230.010 and 2014 c 217 s 103 are each amended  
7 to read as follows:

8 (1) School district boards of directors shall identify and offer  
9 courses with content that meet or exceed: (a) The basic education  
10 skills identified in RCW 28A.150.210; (b) the graduation requirements  
11 under RCW 28A.230.090; (c) the courses required to meet the minimum  
12 college entrance requirements under RCW 28A.230.130; and (d) the  
13 course options for career development under RCW 28A.230.130. Such  
14 courses may be applied or theoretical, academic, or vocational.

15 (2) School district boards of directors must provide high school  
16 students with the opportunity to access at least one career and  
17 technical education course that is considered equivalent to a  
18 mathematics course or at least one career and technical education  
19 course that is considered equivalent to a science course as  
20 determined by the office of the superintendent of public instruction  
21 (~~and the state board of education~~) in RCW 28A.700.070. Students may  
22 access such courses at high schools, interdistrict cooperatives,  
23 skill centers or branch or satellite skill centers, or through online  
24 learning or applicable running start vocational courses.

25 (3)(a) Until January 1, 2019, school district boards of directors  
26 of school districts with fewer than two thousand students may apply  
27 to the state board of education for a waiver from the provisions of  
28 subsection (2) of this section.

29 (b) On and after January 1, 2019, school district boards of  
30 directors of school districts with fewer than two thousand students  
31 may apply to the superintendent of public instruction for a waiver  
32 from the provisions of subsection (2) of this section under section  
33 504 of this act.

34 **Sec. 303.** RCW 28A.300.236 and 2017 3rd sp.s. c 13 s 410 are each  
35 amended to read as follows:

36 (1) Subject to the availability of amounts appropriated for this  
37 specific purpose, the office of the superintendent of public  
38 instruction must create methodologies for implementing equivalency



1 crediting on a broader scale across the state and facilitate its  
2 implementation including, but not limited to, the following:

3 (a) Implementing statewide career and technical education course  
4 equivalency frameworks authorized under RCW 28A.700.070 for high  
5 schools and skill centers in science, technology, engineering, and  
6 mathematics. This may include development of additional equivalency  
7 course frameworks in core subject areas, course performance  
8 assessments, and development and delivery of professional development  
9 for districts and skill centers implementing the career and technical  
10 education frameworks; and

11 (b) Providing competitive grant funds to school districts to  
12 increase the integration and rigor of academic instruction in career  
13 and technical education equivalency courses. The grant funds must be  
14 used to support teams of general education and career and technical  
15 education teachers to convene and design course performance  
16 assessments, deepen the understanding of integrating academic and  
17 career and technical education in student instruction, and develop  
18 professional learning modules for school districts to plan  
19 implementation of equivalency crediting.

20 (2) Beginning in the 2017-18 school year, school districts shall  
21 annually report to the office of the superintendent of public  
22 instruction the following information:

23 (a) The annual number of students participating in state-approved  
24 equivalency courses; and

25 (b) The annual number of state approved equivalency credit  
26 courses offered in school districts and skill centers.

27 (3) Beginning December 1, ~~((2017))~~ 2018, and every December 1st  
28 thereafter, the office of the superintendent of public instruction  
29 shall annually submit ~~((a summary of the school district information  
30 reported under subsection (2) of this section))~~ the following  
31 information to the office of the governor, the state board of  
32 education, and the appropriate committees of the legislature:

33 (a) The selected list of equivalent career and technical  
34 education courses and their curriculum frameworks that the  
35 superintendent of public instruction has approved under RCW  
36 28A.700.070; and

37 (b) A summary of the school district information reported under  
38 subsection (2) of this section.

1       **Sec. 304.** RCW 28A.700.070 and 2014 c 217 s 101 are each amended  
2 to read as follows:

3       (1) The office of the superintendent of public instruction shall  
4 support school district efforts under RCW 28A.230.097 to adopt course  
5 equivalencies for career and technical courses by:

6       (a) Recommending career and technical curriculum suitable for  
7 course equivalencies;

8       (b) Publicizing best practices for high schools and school  
9 districts in developing and adopting course equivalencies; and

10       (c) In consultation with the Washington association for career  
11 and technical education, providing professional development,  
12 technical assistance, and guidance for school districts seeking to  
13 expand their lists of equivalent courses.

14       (2) The office of the superintendent of public instruction shall  
15 provide professional development, technical assistance, and guidance  
16 for school districts to develop career and technical course  
17 equivalencies that also qualify as advanced placement courses.

18       (3) The ~~((office of the))~~ superintendent of public instruction,  
19 in consultation with one or more technical working groups convened  
20 for this purpose, shall develop and, after an opportunity for public  
21 comment, approve curriculum frameworks for a selected list of career  
22 and technical courses that may be offered by high schools or skill  
23 centers whose content in science, technology, engineering, and  
24 mathematics is considered equivalent in full or in part to science or  
25 mathematics courses that meet high school graduation requirements.  
26 The content of the courses must be aligned with state essential  
27 academic learning requirements in mathematics as adopted by the  
28 superintendent of public instruction in July 2011 and the essential  
29 academic learning requirements in science as adopted in October 2013,  
30 and industry standards. ~~((The office shall submit the list of~~  
31 ~~equivalent career and technical courses and their curriculum~~  
32 ~~frameworks to the state board of education for review, an opportunity~~  
33 ~~for public comment, and approval.))~~ The first list of courses under  
34 this subsection must be developed and approved before the 2015-16  
35 school year. Thereafter, the ~~((office))~~ superintendent of public  
36 instruction may periodically update or revise the list of courses  
37 using the process in this subsection.

38       (4) Subject to funds appropriated for this purpose, ~~((the office~~  
39 ~~of))~~ the superintendent of public instruction shall allocate grant  
40 funds to school districts to increase the integration and rigor of

1 academic instruction in career and technical courses. Grant  
2 recipients are encouraged to use grant funds to support teams of  
3 academic and technical teachers using a research-based professional  
4 development model supported by the national research center for  
5 career and technical education. The (~~office of the~~) superintendent  
6 of public instruction may require that grant recipients provide  
7 matching resources using federal Carl Perkins funds or other fund  
8 sources.

9 **PART IV**

10 **LEARNING STANDARDS**

11 **Sec. 401.** RCW 28A.655.070 and 2015 c 211 s 3 are each amended to  
12 read as follows:

13 (1) The superintendent of public instruction shall develop  
14 essential academic learning requirements that identify the knowledge  
15 and skills all public school students need to know and be able to do  
16 based on the student learning goals in RCW 28A.150.210, develop  
17 student assessments, and implement the accountability recommendations  
18 and requests regarding assistance, rewards, and recognition of the  
19 state board of education.

20 (2) The superintendent of public instruction shall:

21 (a) Periodically revise the essential academic learning  
22 requirements, as needed, based on the student learning goals in RCW  
23 28A.150.210. Goals one and two shall be considered primary. To the  
24 maximum extent possible, the superintendent shall integrate goal four  
25 and the knowledge and skill areas in the other goals in the essential  
26 academic learning requirements; and

27 (b) Review and prioritize the essential academic learning  
28 requirements and identify, with clear and concise descriptions, the  
29 grade level content expectations to be assessed on the statewide  
30 student assessment and used for state or federal accountability  
31 purposes. The review, prioritization, and identification shall result  
32 in more focus and targeting with an emphasis on depth over breadth in  
33 the number of grade level content expectations assessed at each grade  
34 level. Grade level content expectations shall be articulated over the  
35 grades as a sequence of expectations and performances that are  
36 logical, build with increasing depth after foundational knowledge and  
37 skills are acquired, and reflect, where appropriate, the sequential  
38 nature of the discipline. The office of the superintendent of public

1 instruction, within seven working days, shall post on its web site  
2 any grade level content expectations provided to an assessment vendor  
3 for use in constructing the statewide student assessment.

4 (3)(a) In consultation with the state board of education, the  
5 superintendent of public instruction shall maintain and continue to  
6 develop and revise a statewide academic assessment system in the  
7 content areas of reading, writing, mathematics, and science for use  
8 in the elementary, middle, and high school years designed to  
9 determine if each student has mastered the essential academic  
10 learning requirements identified in subsection (1) of this section.  
11 School districts shall administer the assessments under guidelines  
12 adopted by the superintendent of public instruction. The academic  
13 assessment system may include a variety of assessment methods,  
14 including criterion-referenced and performance-based measures.

15 (b) Effective with the 2009 administration of the Washington  
16 assessment of student learning and continuing with the statewide  
17 student assessment, the superintendent shall redesign the assessment  
18 in the content areas of reading, mathematics, and science in all  
19 grades except high school by shortening test administration and  
20 reducing the number of short answer and extended response questions.

21 (c) By the 2014-15 school year, the superintendent of public  
22 instruction, in consultation with the state board of education, shall  
23 modify the statewide student assessment system to transition to  
24 assessments developed with a multistate consortium, as provided in  
25 this subsection:

26 (i) The assessments developed with a multistate consortium to  
27 assess student proficiency in English language arts and mathematics  
28 shall be administered beginning in the 2014-15 school year. The  
29 reading and writing assessments shall not be administered by the  
30 superintendent of public instruction or schools after the 2013-14  
31 school year.

32 (ii) The high school assessments in English language arts and  
33 mathematics in (c)(i) of this subsection shall be used for the  
34 purposes of earning a certificate of academic achievement for high  
35 school graduation under the timeline established in RCW 28A.655.061  
36 and for assessing student career and college readiness.

37 (iii) During the transition period specified in RCW 28A.655.061,  
38 the superintendent of public instruction shall use test items and  
39 other resources from the consortium assessment to develop and  
40 administer a tenth grade high school English language arts

1 assessment, an end-of-course mathematics assessment to assess the  
2 standards common to algebra I and integrated mathematics I, and an  
3 end-of-course mathematics assessment to assess the standards common  
4 to geometry and integrated mathematics II.

5 (4) If the superintendent proposes any modification to the  
6 essential academic learning requirements or the statewide  
7 assessments, then the superintendent shall, upon request, provide  
8 opportunities for the education committees of the house of  
9 representatives and the senate to review the assessments and proposed  
10 modifications to the essential academic learning requirements before  
11 the modifications are adopted.

12 (5) The assessment system shall be designed so that the results  
13 under the assessment system are used by educators as tools to  
14 evaluate instructional practices, and to initiate appropriate  
15 educational support for students who have not mastered the essential  
16 academic learning requirements at the appropriate periods in the  
17 student's educational development.

18 (6) By September 2007, the results for reading and mathematics  
19 shall be reported in a format that will allow parents and teachers to  
20 determine the academic gain a student has acquired in those content  
21 areas from one school year to the next.

22 (7) To assist parents and teachers in their efforts to provide  
23 educational support to individual students, the superintendent of  
24 public instruction shall provide as much individual student  
25 performance information as possible within the constraints of the  
26 assessment system's item bank. The superintendent shall also provide  
27 to school districts:

28 (a) Information on classroom-based and other assessments that may  
29 provide additional achievement information for individual students;  
30 and

31 (b) A collection of diagnostic tools that educators may use to  
32 evaluate the academic status of individual students. The tools shall  
33 be designed to be inexpensive, easily administered, and quickly and  
34 easily scored, with results provided in a format that may be easily  
35 shared with parents and students.

36 (8) To the maximum extent possible, the superintendent shall  
37 integrate knowledge and skill areas in development of the  
38 assessments.

1 (9) Assessments for goals three and four of RCW 28A.150.210 shall  
2 be integrated in the essential academic learning requirements and  
3 assessments for goals one and two.

4 (10) The superintendent shall develop assessments that are  
5 directly related to the essential academic learning requirements, and  
6 are not biased toward persons with different learning styles, racial  
7 or ethnic backgrounds, or on the basis of gender.

8 (11) The superintendent shall review available and appropriate  
9 options for competency-based assessments that meet the essential  
10 academic learning requirements. In accordance with the review  
11 required by this subsection, the superintendent shall provide a  
12 report and recommendations to the education committees of the house  
13 of representatives and the senate by November 1, 2019.

14 (12) The superintendent shall consider methods to address the  
15 unique needs of special education students when developing the  
16 assessments under this section.

17 ~~((12))~~ (13) The superintendent shall consider methods to  
18 address the unique needs of highly capable students when developing  
19 the assessments under this section.

20 ~~((13))~~ (14) The superintendent shall post on the  
21 superintendent's web site lists of resources and model assessments in  
22 social studies, the arts, and health and fitness.

23 ~~((14))~~ (15) The superintendent shall integrate financial  
24 education skills and content knowledge into the state learning  
25 standards pursuant to RCW 28A.300.460(2)(d).

26 (16)(a) The superintendent shall notify the state board of  
27 education in writing before initiating the development or revision of  
28 the essential academic learning requirements under subsections (1)  
29 and (2) of this section. The notification must be provided to the  
30 state board of education in advance for review at a regularly  
31 scheduled or special board meeting and must include the following  
32 information:

33 (i) The subject matter of the essential academic learning  
34 requirements;

35 (ii) The reason or reasons the superintendent is initiating the  
36 development or revision; and

37 (iii) The process and timeline that the superintendent intends to  
38 follow for the development or revision.

1 (b) The state board of education may provide a response to the  
2 superintendent's notification for consideration in the development or  
3 revision process in (a) of this subsection.

4 (c) Prior to adoption by the superintendent of any new or revised  
5 essential academic learning requirements, the superintendent shall  
6 submit the proposed new or revised essential academic learning  
7 requirements to the state board of education in advance in writing  
8 for review at a regularly scheduled or special board meeting. The  
9 state board of education may provide a response to the  
10 superintendent's proposal for consideration prior to final adoption.

11 (17) The state board of education may propose new or revised  
12 essential academic learning requirements to the superintendent. The  
13 superintendent must respond to the state board of education's  
14 proposal in writing.

15 **PART V**

16 **WAIVER OF SCHOOL DISTRICT REQUIREMENTS**

17 **Sec. 501.** RCW 28A.305.140 and 2012 c 53 s 8 are each amended to  
18 read as follows:

19 (1) (~~The state board of education~~) (a) In accordance with the  
20 criteria adopted by the state board of education under subsection (2)  
21 of this section, the superintendent of public instruction may grant  
22 waivers to school districts from the provisions of RCW 28A.150.200  
23 through 28A.150.220, except as provided in (b) of this subsection, on  
24 the basis that such waiver or waivers are necessary to(~~(+~~  
25 ~~(a)~~) implement successfully a local plan to provide for all  
26 students in the district an effective education system that is  
27 designed to enhance the educational program for each student. The  
28 local plan may include alternative ways to provide effective  
29 educational programs for students who experience difficulty with the  
30 regular education program(~~(+)~~).

31 (b) (~~Implement an innovation school or innovation zone~~  
32 ~~designated under RCW 28A.630.081; or~~

33 ~~(c) Implement a collaborative schools for innovation and success~~  
34 ~~pilot project approved under RCW 28A.630.104.)~~ The state board of  
35 education shall have authority to grant waivers from the provisions  
36 of RCW 28A.150.220(3)(b) and to grant the waivers set forth in RCW  
37 28A.230.090(1)(e)(ii), 28A.630.081, 28A.630.104, and 28A.655.180.

1           (2) The state board of education shall adopt rules establishing  
2 the criteria to evaluate the need for (~~the~~) a waiver or waivers  
3 under this section.

4           **Sec. 502.** RCW 28A.305.140 and 1990 c 33 s 267 are each amended  
5 to read as follows:

6           (~~The state board of education~~) (1)(a) In accordance with the  
7 criteria adopted by the state board of education under subsection (2)  
8 of this section, the superintendent of public instruction may grant  
9 waivers to school districts from the provisions of RCW 28A.150.200  
10 through 28A.150.220, except as provided in (b) of this subsection, on  
11 the basis that such waiver or waivers are necessary to implement  
12 successfully a local plan to provide for all students in the district  
13 an effective education system that is designed to enhance the  
14 educational program for each student. The local plan may include  
15 alternative ways to provide effective educational programs for  
16 students who experience difficulty with the regular education  
17 program.

18           (b) The state board of education shall have authority to grant  
19 waivers from the provisions of RCW 28A.150.220(3)(b) and to grant the  
20 waivers set forth in RCW 28A.230.090(1)(e)(ii) and 28A.655.180.

21           (2) The state board of education shall adopt rules establishing  
22 the criteria to evaluate the need for (~~the~~) a waiver or waivers  
23 under this section.

24           NEW SECTION.       **Sec. 503.** A new section is added to chapter  
25 28A.150 RCW to read as follows:

26           (1) In addition to waivers authorized under RCW 28A.305.140 (as  
27 recodified by this act), the superintendent of public instruction, in  
28 accordance with the criteria in subsection (2) of this section and  
29 criteria adopted by the state board of education under subsection (3)  
30 of this section, may grant waivers of the requirement for a one  
31 hundred eighty-day school year under RCW 28A.150.220 to school  
32 districts that propose to operate one or more schools on a flexible  
33 calendar for purposes of economy and efficiency as provided in this  
34 section. The requirement under RCW 28A.150.220 that school districts  
35 offer minimum instructional hours may not be waived.

36           (2) A school district seeking a waiver under this section must  
37 submit an application to the superintendent of public instruction  
38 that includes:



1 (a) A proposed calendar for the school day and school year that  
2 demonstrates how the instructional hour requirement will be  
3 maintained;

4 (b) An explanation and estimate of the economies and efficiencies  
5 to be gained from compressing the instructional hours into fewer than  
6 one hundred eighty days;

7 (c) An explanation of how monetary savings from the proposal will  
8 be redirected to support student learning;

9 (d) A summary of comments received at one or more public hearings  
10 on the proposal and how concerns will be addressed;

11 (e) An explanation of the impact on students who rely upon free  
12 and reduced-price school child nutrition services and the impact on  
13 the ability of the child nutrition program to operate an economically  
14 independent program;

15 (f) An explanation of the impact on employees in education  
16 support positions and the ability to recruit and retain employees in  
17 education support positions;

18 (g) An explanation of the impact on students whose parents work  
19 during the missed school day; and

20 (h) Other information that the superintendent of public  
21 instruction may request to assure that the proposed flexible calendar  
22 will not adversely affect student learning.

23 (3) The state board of education shall adopt rules establishing  
24 the criteria to evaluate waiver requests under this section. A waiver  
25 may be effective for up to three years and may be renewed for  
26 subsequent periods of three or fewer years. After each school year in  
27 which a waiver has been granted under this section, the  
28 superintendent of public instruction must analyze empirical evidence  
29 to determine whether the reduction is affecting student learning. If  
30 the superintendent of public instruction determines that student  
31 learning is adversely affected, the school district must discontinue  
32 the flexible calendar as soon as possible but not later than the  
33 beginning of the next school year after the superintendent of public  
34 instruction's determination.

35 (4) The superintendent of public instruction may grant waivers  
36 authorized under this section to five or fewer school districts with  
37 student populations of less than five hundred students. Of the five  
38 waivers that may be granted, two must be reserved for districts with  
39 student populations of less than one hundred fifty students.

1        NEW SECTION.     **Sec. 504.**     A new section is added to chapter  
2 28A.230 RCW to read as follows:

3        (1) The superintendent of public instruction may grant a waiver  
4 from the provisions of RCW 28A.230.010(2) based on an application  
5 from a board of directors of a school district with fewer than two  
6 thousand students.

7        (2) The state board of education may adopt rules establishing the  
8 criteria to evaluate the need for a waiver or waivers under this  
9 section.

10       **Sec. 505.**     RCW 28A.300.545 and 2011 c 45 s 2 are each amended to  
11 read as follows:

12       (1) The superintendent of public instruction shall develop a  
13 condensed compliance report form for second-class districts by August  
14 1, 2011. The report form shall allow districts the option of  
15 indicating one of the following for each funded program:

16       (a) The district has complied or received a (~~state board of~~  
17 ~~education approved~~) waiver approved by the state board of education  
18 or superintendent of public instruction;

19       (b) The district has not complied, accompanied by an explanation  
20 or the steps taken to comply; or

21       (c) The district has received a grant for less than half of a  
22 full-time equivalent instructional staff.

23       (2) The office of the superintendent of public instruction may  
24 conduct random audits of second-class districts that submit a  
25 condensed compliance report under RCW 28A.330.250. The purpose of the  
26 audit is to determine whether documentation exists to support a  
27 school district superintendent's condensed compliance report.

28       **Sec. 506.**     RCW 28A.655.180 and 2012 c 53 s 9 are each amended to  
29 read as follows:

30       (1) The state board of education(~~(, where appropriate, or the~~  
31 ~~superintendent of public instruction, where appropriate,)~~) may grant  
32 waivers to districts from the provisions of statutes or rules  
33 relating to: The length of the school year; student-to-teacher  
34 ratios; and other administrative rules that in the opinion of the  
35 state board of education (~~or the opinion of the superintendent of~~  
36 ~~public instruction~~) may need to be waived in order for a district to  
37 implement a plan for restructuring its educational program or the  
38 educational program of individual schools within the district or to

1 implement an innovation school or innovation zone designated under  
2 RCW 28A.630.081 or to implement a collaborative schools for  
3 innovation and success pilot project approved under RCW 28A.630.104.

4 ~~(2) ((School districts may use the application process in RCW~~  
5 ~~28A.305.140 to apply for the waivers under this section.))~~ The state  
6 board of education may adopt rules establishing the waiver  
7 application process under this section.

8 **Sec. 507.** RCW 28A.655.180 and 2009 c 543 s 3 are each amended to  
9 read as follows:

10 (1) The state board of education(~~(, where appropriate, or the~~  
11 ~~superintendent of public instruction, where appropriate,)) may grant  
12 waivers to districts from the provisions of statutes or rules  
13 relating to: The length of the school year; student-to-teacher  
14 ratios; and other administrative rules that in the opinion of the  
15 state board of education (~~or the opinion of the superintendent of~~  
16 ~~public instruction)) may need to be waived in order for a district to  
17 implement a plan for restructuring its educational program or the  
18 educational program of individual schools within the district.~~~~

19 ~~(2) ((School districts may use the application process in RCW~~  
20 ~~28A.305.140 to apply for the waivers under this section.))~~ The state  
21 board of education may adopt rules establishing the waiver  
22 application process under this section.

23 NEW SECTION. **Sec. 508.** A new section is added to chapter  
24 28A.300 RCW to read as follows:

25 Beginning September 1, 2019, the superintendent of public  
26 instruction shall annually report to the state board of education and  
27 education committees of the house of representatives and the senate  
28 summaries of all waiver applications submitted to the superintendent  
29 of public instruction for the prior school year under RCW 28A.305.140  
30 (as recodified by this act), sections 503 and 504 of this act, and  
31 RCW 28A.150.290, including the following information for each type of  
32 waiver:

33 (1) The annual number of waiver applications the superintendent  
34 approved and did not approve;

35 (2) A brief summary of each waiver request;

36 (3) The reasons the superintendent approved or did not approve  
37 each waiver application; and

1 (4) Links to the waiver applications posted on the  
2 superintendent's web site.

3 **PART VI**

4 **COMPLIANCE WITH BASIC EDUCATION REQUIREMENTS**

5 **Sec. 601.** RCW 28A.150.250 and 2009 c 548 s 105 are each amended  
6 to read as follows:

7 (1) From those funds made available by the legislature for the  
8 current use of the common schools, the superintendent of public  
9 instruction shall distribute annually as provided in RCW 28A.510.250  
10 to each school district of the state operating a basic education  
11 instructional program approved by the state board of education an  
12 amount based on the formulas provided in RCW 28A.150.260,  
13 28A.150.390, and 28A.150.392 which, when combined with an appropriate  
14 portion of such locally available revenues, other than receipts from  
15 federal forest revenues distributed to school districts pursuant to  
16 RCW 28A.520.010 and 28A.520.020, as the superintendent of public  
17 instruction may deem appropriate for consideration in computing state  
18 equalization support, excluding excess property tax levies, will  
19 constitute a basic education allocation in dollars for each annual  
20 average full-time equivalent student enrolled.

21 (2) The instructional program of basic education shall be  
22 considered to be fully funded by those amounts of dollars  
23 appropriated by the legislature pursuant to RCW 28A.150.260,  
24 28A.150.390, and 28A.150.392 to fund those program requirements  
25 identified in RCW 28A.150.220 in accordance with the formula provided  
26 in RCW 28A.150.260 and those amounts of dollars appropriated by the  
27 legislature to fund the salary requirements of RCW 28A.150.410.

28 (3)(a) If a school district's basic education program fails to  
29 meet the basic education requirements enumerated in RCW 28A.150.260  
30 and 28A.150.220, the state board of education (~~shall require~~) may  
31 recommend to the superintendent of public instruction (~~to~~) that the  
32 superintendent withhold state funds in whole or in part for the basic  
33 education allocation until program compliance is assured. However,  
34 the state board of education may waive this requirement in the event  
35 of substantial lack of classroom space.

36 (b) If the state board of education recommends the withholding of  
37 a school district's basic education allocation under this subsection,  
38 the superintendent of public instruction may withhold the allocation

1 of state funds in whole or in part for support of the school  
2 district. Written notice of the intent to withhold state funds, with  
3 reasons stated for this action, shall be made to the school district  
4 by the office of the superintendent of public instruction before any  
5 portion of the state allocation is withheld.

6 **PART VII**

7 **MISCELLANEOUS PROVISIONS**

8 NEW SECTION. **Sec. 701.** The following acts or parts of acts are  
9 each repealed:

10 (1) RCW 28A.305.141 (Waiver from one hundred eighty-day school  
11 year requirement—Criteria) and 2016 c 99 s 1, 2014 c 171 s 1, & 2009  
12 c 543 s 2; and

13 (2) RCW 28A.305.142 (Waiver from career and technical course  
14 equivalency requirement) and 2014 c 217 s 104.

15 NEW SECTION. **Sec. 702.** A new section is added to chapter  
16 28A.305 RCW to read as follows:

17 (1) The transfer of powers, duties, and functions of the  
18 superintendent of public instruction and the state board of education  
19 pursuant to chapter . . . , Laws of 2018 (this act) do not affect the  
20 validity of any superintendent of public instruction or state board  
21 of education action performed before the effective date of this  
22 section.

23 (2) If apportionments of budgeted funds are required because of  
24 the transfer of powers, duties, and functions directed by  
25 chapter . . . , Laws of 2018 (this act), the director of financial  
26 management shall certify the apportionments to the agencies affected,  
27 the state auditor, and the state treasurer. Each of these shall make  
28 the appropriate transfer and adjustments in funds and appropriation  
29 accounts and equipment records in accordance with the director's  
30 certification.

31 (3) Unless otherwise provided, nothing contained in  
32 chapter . . . , Laws of 2018 (this act) may be construed to alter any  
33 existing collective bargaining unit or provisions of any existing  
34 collective bargaining agreement until the agreement has expired or  
35 until the bargaining unit has been modified by action of the  
36 personnel resources board as provided by law.

1        NEW SECTION.    **Sec. 703.**    RCW 28A.305.140 is recodified as a  
2 section in chapter 28A.300 RCW.

3        NEW SECTION.    **Sec. 704.**    Section 506 of this act expires June 30,  
4 2019.

5        NEW SECTION.    **Sec. 705.**    (1) Sections 201, 202, 501, 503, 504,  
6 and 701 of this act take effect January 1, 2019.

7        (2) Sections 502 and 507 of this act take effect June 30, 2019.

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